

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 19 and 20 have been amended for clarity.

The Examiner has rejected claims 19-21 under 35 U.S.C .102(b) as being anticipated by U.S. Patent 6,021,386 to Davis et al. Applicants acknowledge that the Examiner has found claims 1-17 allowable over the prior art of record.

The Davis et al. patent discloses a coding method and apparatus for multiple channels of audio information representing three-dimensional sound fields.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, from which claims 19 and 20 depend, includes the limitation "wherein the second portion is differentially coded with respect to the first portion". As noted by the Examiner on page 3 of the Office Action, "However, none of the prior art of record as in combination further disclose of such wherein **the second portion is differentially coded with respect to**

the first portion." Since this appears in the preamble of claims 19 and 20, it may be regarded as a statement reciting purpose or intended use, and as such, may not be considered a limitation and of no significance to claim construction. Applicants have therefore amended claim 19 (and similarly claim 20) to include the limitation "said obtaining decoded information comprising differentially decoding the second portion of the information with respect to the first portion of the information".

Applicants submit that Davis et al. neither discloses nor suggests this limitation.

In view of the above, Applicants believe that the subject invention, as claimed, is not anticipated by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-17 and 19-21, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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